## REMARKS

Entry of this amendment under the provisions of 37 C.F.R. 1.116 is respectfully requested, as it is believed that this paper raises no significant new issues and serves to place this application in a condition for allowance.

The Applicants thank the Examiner for the indication of allowability of claims 4, 12, 13 and 15.

This application, as amended herein, contains claims 1-3, 5-11, 13-17 and 20-23, and newly added claims 24-26. Claims 4, 12 and 15 have been canceled, with the subject matter they recite being included in independent claims 24, 25 and 26, respectively, which are thus clearly allowable.

Claims 1-3, 5-11, 16, 17 and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford et al. in view of Scholz et al. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford as applied to the claims above, and further in view of Rautiola et al. These rejections are respectfully traversed.

Independent claims 1, 16, 22 and 23 have all been amended to recite that the probability table is an asymmetric probability table when the first signal component has a better quality measure than the second signal component, and the probability table is a symmetric probability table when the first signal component has an equal quality measure to the second signal component. This amendment is fully supported by

original claims 5 and 8. Support can also be found in the specification at page 23, lines 3-5 and 16-18.

Applicants' invention, as set forth in independent claims 1, 16, 22 and 23, has the advantage of allowing for efficient operation in either the case of two received signals being of equal quality, or the case of the two received signals being of unequal quality. Applicants agree with the Examiner in that Crawford does not teach the use of a probability table. However, Scholz, in mentioning a look-up table, actually teaches away from Applicants' invention. As pointed out by the Examiner, Scholz states in column 4, lines 3-8:

> "The problem with this additive noise method is that if more than one class of link probability distribution is necessary, there will need to be a corresponding number of look-up tables. Further, it may be difficult to know what class of link probability distribution was present during a measurement interval. "

First, Scholz is directed to techniques for determining a bit error rate, and not the position of a pulse. In fact, there is no mention at all in Scholz of finding the position of a pulse. Second, Scholz is stating the difficulties in using more than one table. Third, Scholz does not suggest the use of an asymmetric table in a case where there are components of different quality measure, and a symmetric table in a case where there are components of the same quality measure. Thus, neither Crawford nor

Scholz, whether taken alone or in combination, teach or suggest Applicants' invention, as set forth in independent claims 1, 16, 22 and 23. Allowance of these claims is respectfully requested.

The remaining claims depend from one of the independent claims discussed above. These claims recite further elements which, in combination with the elements of the claims from which they depend, are not shown or suggested in the art of record.

Claim 5 states that the probability table comprises a diagonally asymmetric table, while claim 6 states that in the case where the first component shows a legal symbol, then the second component has no influence on the value which is representative of pulse position. Again, it is respectfully submitted that neither Crawford nor Scholz, whether taken alone or in combination, teach or suggest Applicants' invention, as set forth in claims 5 and 6.

In view of the above, and for the reasons set forth with respect to independent claim 1, it is respectfully submitted that claims 5 and 6 are directed to patentable subject matter. Allowance of claims 5 and 6 is respectfully requested.

If the Examiner can not issue an immediate allowance, it is respectfully requested that he contact the undersigned, at the telephone number set forth below, with a view toward resolving any remaining issues, so that this application may be allowed.

SERIAL NO.: 09/902,365 FILED: 7/10/2001

An Information Disclosure Statement, including recently cited art in Applicants' corresponding application in the European Patent Office, is submitted herewith. A Notice of Appeal is also being filed simultaneously with this paper, in order to preserve pendency of this application. The Notice of Appeal is not meant to remove this application from the jurisdiction of the Examiner, but rather to provide the Examiner with adequate time in which to consider this paper.

Applicants respectfully petition for an extension of time of three months in which to file this paper. Please charge the fee of $930.00 to Deposit Account No. 50-0510.

Applicants also request that the fee of $84 for one additional independent claim now due also be charged to Deposit Account No. 50-0510. A duplicate of this last sheet is enclosed.

Respectfully submitted,

David Aker AUGUST 11, 2003

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Date

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

AUGUST 11, 2003
Date

David Aker
Name of Person Making Deposit